

# Advocating Indigenous Rights for the Awareness of Youth in General

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## Abstract

This paper focuses on youth responsibility especially in the context of today's youth awareness. It involves personal experience, especially in raising the voice of marginalized people such as tribes. Indigenous people, a disadvantaged group in India, are the protectors of the rich biodiversity and the traditions and indigenous knowledge that are part of our heritage. The Scheduled Castes and Scheduled Tribes are the official designation given to various groups of historically disadvantaged people in India. The source of Indigenous rights emerged with the declaration "On 23rd December, 1994, the United Nations General Assembly passed the resolution 49/214 calling upon all member states to observe on 9th August every year as the International Day of the World's Indigenous People during the first International Decade of the World's Indigenous People (1995-2004) with the theme "A Decade for Action and Dignity". India supported this resolution." Mainly in India, the tribal rights can be seen as a part of the larger human rights discourse which emanates from the Universal Declaration on Human Rights of 1948 and is continuously being developed and refined through political contestation and international debates and discussion to include a wide array of rights that are fundamental to dignified human existence.

**Keywords:** Indigenous Rights, Tribal Rights, Human Rights, Depressed Classes, Schedule Tribe, Adivasi, Jharkhand, Constitution of India.

### Introduction

During the post-colonial period India was engaged in a nation-building process. This was equated with modernization and adequate development of infrastructure and economic conditions of the people and the country as a whole. The development of the nation has been always debated which centered around people, market forces and the state. Consequently, the central issue is whether to accept the prevailing definition of development as provided by the market and the state or to look for alternatives emerging out of people's struggles and human rights movements. Advocating indigenous rights among the youth will bring the real awareness in the prevail knowledge of human conditions which is still reflecting in order to question each development and underdevelopment nation. During colonial rule, the people who were cut off from the mainstream of development were known as Depressed Classes. Schedule tribes in large numbers are still restricted in the spatial and temporal range of their social, legal and political relations. In addition to the 'Schedule Tribes', The Constitution of India names other groups, who are considered in need of special protection such as Schedule Castes and other 'Backward Classes'. There are large numbers of Schedule Tribes in India; according to the census record of 2011 they are 84, 326, 240. Modern society needs the human rights which constitute a variable category as is adequately demonstrated by the history of the last few centuries. The list of human rights has been modified and continues to be modified in changing historical circumstances in order to improve human civilization. These tribal communities which occupy low rank in India's Caste literacy have suffered through the ages socially, culturally and economically. This paper raises the voice of Adivasi and asks the question: why the Adivasi people need special protection and rights? And this study answers through multiple discourses which each human being must be aware of their rights as citizens and protect them from social violence, discrimination and tendencies in order to save the humanity.

### Indigenous people in India

There is an interesting fact about the term used in India for the indigenous community i.e. "Adivasi" has gained huge popularity in the last few decades to identify the tribes. However, be stated that The Constitution of India does not use the term "Adivasi" and instead refers to the STs as 'Anusuchit Jana Jati'. Traditionally, Jana was more popular term to refer to the tribes in the Hindi heartland. They are scattered in different parts of India and they form considerable number of the population of India. One cannot, however, get the complete picture about the whole tribe just by studying or getting close to one particular tribe as each one of them has its own respective culture, identity, art, mythology, folk-education, values, folklore, folk wisdom – food, festival, dance, music, religion and language. Even then to find a brief idea about



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Indian tribes, here is a comprehensive list of 20 tribes, picked from different corners of India: 1. Gonds Tribes, 2. Bhils Tribes, 3. Santhal Tribes, 4. Great Andamanese Tribes, 5. Khasi Tribes, 6. Garo Tribes, 7. Angami Tribes, 8. Munda Tribes, 9. Bhutia Tribes, 10. Chenchu Tribes, 11. Kodava Tribes, 12. Toto Tribes, 13. Irulas Tribes, 14. Nyishi Tribes, 15. Bodo Tribes, 16. Warli Tribes, 17. Toda Tribes, 18. Kurumban Tribes, 19. Soliga Tribes, and 20. Siddis Tribes.

### **Actual Facts of Adivasi: Lack of Education**

The actual facts of education among the tribal communities appear that the colonial government in India also never taken seriously any constructive steps for the educational and for that matter even social and economic development of the tribal people. Consequently, the tribals remained educationally extremely backward. Educational backwardness accounted for their socio-economic backwardness. Lack of education is a retarding factor for them. Credit must be given to the Christian missionaries for their laudable efforts in spreading education among the tribal people in certain selected pockets. Their works in this respect carried out in North-Eastern India is particularly commendable.

As per my own experience I belong to the very young state called Jharkhand which is almost filled with Adivasi communities is even now in need of theory and practice of tribes and human rights, and education. However, the Adivasis of our country have always been a major factor in our national life and culture. Adivasi masses in post colonial India are still backward in terms of social development; many a time they are subjected to abject poverty, become refugees in their own lands and suffer in various ways. And this is the prime effect among the students of Adivasi community that people have considered them as the slow bloomers in terms of study matters, however, this community, as scheduled tribes are indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large, and backwardness. One of the facts of the backwardness could be analysed through the latest news that one must be very happy that one of the Birhor students 16 years old girl named Payal Birhor, the daughter of Andhra Birhor became the first Birhor girl amongst the 36 Birhor tandas (groups) in the Hazaribagh district to pass the matriculation examination in Jharkhand, the results of which were declared on 3rd August, 2021 in this digital era. This is of great significance for measuring the educational status of this primitive tribe. This tribe particularly in Jharkhand State were extremely backward, but denied the opposition claims that most of the welfare schemes meant for them were not seen on the ground. Welfare Minister of Jharkhand Late Haji Hussain Ansari informed the State Assembly that the population of primitive tribes is 3.5 per cent, as per the 2001 census. The government has taken up schemes to improve their economic condition. Nevertheless, the traditional and cultural distinction of each tribal community has given them their unique identity. The creative mind can be seen in their activities, although the life of Adivasis is not static rather they have a dynamic view of life which makes them adopt new ideas and adapt to new situation.

### **Major Rights of the Indigenous Communities Constitutional Rights**

The fifth schedule of The Constitution of India provides for safeguards against displacement of tribal population because of land acquisitions etc. The Governor of the State, having scheduled Areas, is empowered to prohibit or restrict the transfer of land from tribal people and regulate the allotment of land to members of the Scheduled Tribes in such cases. Article 14 provides equality before law and Article 338A provides National Commission for Scheduled Tribes. There is special term used to specify the tribes or tribal communities to be included as STs in Article 342. There are Grants-in-Aid under Article 275(1) from the Consolidated Fund of India for the welfare of the Scheduled Tribes and administration of Scheduled Areas. Significant facts on the constitutional rights of this people has the directive principle under article 46 which directs the State, to promote with special care the educational and economic interests and protect them from social injustice and all forms of exploitation.

### **Land and Resources Rights of Tribals**

Indigenous peoples are the most marginalised communities in India: they are often excluded from participation in socio-economic life, rarely have access to political power and frequently encounter obstacles to manifesting their identity. Violence and persecution increasingly force thousands of tribals to abandon their homes, lands and resources. Due to this reason obstacles are multiplied during forced displacement and the protection risks when they have special rights. The rights of land ownership are guaranteed in "The International Labour Organization Indigenous and Tribal Populations Convention No. 107 of 1957" concerning the protection and integration of indigenous and Semi-Tribal populations in independent countries, revised "ILO

Indigenous and Tribal Peoples in Independent Countries Convention No.169 of 1989, and UN Draft Declaration on Indigenous Rights”. All these recognizes the ownership rights of tribal people, protection of natural resources and the right of the indigenous peoples to participate and give their consent in the use, management and conservation of these resources and consultation in the exploration and exploitation of such resources and in the benefits from them. It urges the government to respect the cultures and spiritual values of the peoples concerned of their relationship with the lands and territories. It also makes the provision of adequate penalties for unauthorized intrusion upon or use of lands of the peoples. (Sarbeswar Sahoo, 2005)

**Rights to Education**

The Right of children to Free and Compulsory Education Act came into force from April 1, 2010. This event is a historic day for the people of India as from this day the right to education will be accorded the same legal status as the right to life as provided by Article 21A of the Indian Constitution. The ILO Convention No. 169 on Indigenous and Tribal Peoples 1989, the UN Draft Declaration on Indigenous Rights recognizes and advocates for the right to education of indigenous peoples.

India has emerged as a world leader and a strong nation at the turn of this century. Hence, tribal communities cannot be deprived of their right to education. Education is the key to the task of nation building as well as to provide indispensable knowledge and skills required for sustained growth of the economy and to ensure overall progress in general. And the ‘Adivasi’ population have been discriminated against and confined to the lowest rungs of social and economic hierarchies. The awareness of young people in general is very low. Hence, the ‘Adivasi’ communities are mostly unaware of their right to education and thus fail to acquire the same.

**Rights to Culture**

Constitution of India, Article 29(1) states “Any sections of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.” The Tribal Communities’ right of access to justice may be considered a subset of the fundamental right to preserve culture under the said article of the Indian Constitution. The constitutionality of recent legislation in the areas of plant variety protection, biodiversity rights, and traditional knowledge will depend on the extent to which the enactments incorporate a broad interpretation of this fundamental right of access to justice.

**Conclusion**

The international and national human rights discourse has moved on to include the questions of tribal identity, culture, language and heritage to preserve and promote this aspects of tribal life as a part of tribal rights. In addition, it also ensures and guarantees opportunities for decentralization of social and economic power and decentralization of education, so that they are fully aware of their rights as citizens. The damages that have been done have become more challenging and it is an urgent need of the time to save their life against the perceptions of these tribes in the mainstream development to protect their tribal human rights with the help of new era techniques. Hence, the awareness towards human rights brings certain enlightenment in the minds of the youth of today and with this, it often generates the courage of tribal people to stand up together and united with the nation to become awakening to save human life.

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